

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

HEAR-WEAR TECHNOLOGIES, LLC,)	
)	
PLAINTIFF,)	
)	
V.)	
)	
OTICON, INC.; PHONAK LLC;)	
AMERICAN HEARING SYSTEMS INC.,)	Civil Action No. 07-CV-212-CVE-SAJ
D/B/A INTERTON-USA; INTERTON,)	
INC.; INTERTON HORGEMATE GMBH;)	
GN HEARING CARE CORPORATION;)	
GN STORE NORD A/S; AND)	
VIVATONE HEARING SYSTEMS LLC.,)	
)	
DEFENDANTS.)	

AGREED MOTION TO DISMISS VIVATONE CLAIMS

Plaintiff Hear-Wear Technologies LLC (“Hear-Wear”) and Defendant and Counter-Plaintiff Auditory Licensing Company, LLC f/k/a Vivatone Hearing Systems, LLC (“Vivatone”) file this Agreed Motion to Dismiss Vivatone Claims and in support thereof would show the Court the following:

Movants have settled all claims asserted by Hear-Wear against Vivatone and all claims asserted by Vivatone against Hear-Wear in this suit.

Accordingly, Movants request that the Court dismiss with prejudice (1) all claims asserted by Hear-Wear against Vivatone and (2) all claims asserted by Vivatone against Hear-Wear.

As to these settled claims, Movants request that all costs be borne by the party incurring same.

Nothing in this motion is intended to affect the claims made by Hear-Wear against the remaining defendants, Oticon, Inc. and the GN/Interton Defendants (American Hearing Systems

Inc. d/b/a Interton-USA, Interton, Inc., Interton Horgerate GmbH, GN Hearing Care Corporation, GN Store Nord A/S).

Respectfully submitted,

/s/ J. Jeffery Richardson

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**COUNSEL FOR DEFENDANT
AUDITORY LICENSING COMPANY, LLC
f/k/a VIVATONE HEARING SYSTEMS, LLC**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 14th day of September, 2009, a true and correct copy of the foregoing document was electronically transmitted to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants (names only are sufficient):

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I hereby certify that on the 14th day of September, 2009, I served the same document by: U.S. Postal Service on the following, who are not registered participants of the ECF system:

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/s/ Andrew C. Ryan
Andrew C. Ryan

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

HEAR-WEAR TECHNOLOGIES, LLC,

PLAINTIFF,

V.

OTICON, INC.; PHONAK LLC;
AMERICAN HEARING SYSTEMS INC.,
D/B/A INTERTON-USA; INTERTON,
INC.; INTERTON HORGEMATE GMBH;
GN HEARING CARE CORPORATION;
GN STORE NORD A/S; AND
VIVATONE HEARING SYSTEMS LLC.,

DEFENDANTS.

Civil Action No. 07-CV-212-CVE-SAJ

ORDER GRANTING MOTION TO DISMISS VIVATONE CLAIMS

This Court, having considered the Agreed Motion to Dismiss Vivatone Claims, filed jointly by Plaintiff Hear-Wear Technologies LLC (“Hear-Wear”) and Defendant and Counter-Plaintiff Auditory Licensing Company, LLC f/k/a Vivatone Hearing Systems, LLC (“Vivatone”) finds that the motion should be GRANTED.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that all claims asserted by Hear-Wear against Defendant Vivatone are hereby dismissed with prejudice.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all claims asserted by Vivatone against Hear-Wear are hereby dismissed with prejudice.

As to these dismissed claims, all costs shall be borne by the party incurring same.

Nothing in this order is intended to affect the claims made by Hear-Wear against the remaining defendants, Oticon, Inc. and the GN/Interton Defendants (American Hearing Systems Inc. d/b/a Interton-USA, Interton, Inc., Interton Horgerate GmbH, GN Hearing Care Corporation, GN Store Nord A/S).

DATED this ____ day of September, 2009.

CLAIRE V. EAGAN, CHIEF JUDGE
UNITED STATES DISTRICT COURT